

## STUDENT ATHLETE DRUG TESTING

### Definitions

Drug: Any substance considered illegal by California Statute or which is controlled by the Food and Drug Administration.

Student Athlete: Any student participating in interscholastic athletic and cheerleading programs sponsored by the Visalia Unified School District.

Athletic Season: Fall, winter, and spring seasons begin on the first day of practice allowed by the California Interscholastic Federation and end the day prior to the beginning date of practice of the next season.

### POLICY STATEMENT

Visalia Unified School District ("the District") is conducting a mandatory random drug testing program for Student Athletes. Its purposes are: (1) to provide for the health and safety of all Student Athletes; (2) to undermine the effects of peer pressure by providing a legitimate reason for Student Athletes to refuse to use illegal drugs and use of controlled substances illegally; (3) to encourage Student Athletes who use drugs to participate in drug treatment programs; and (4) to discourage drug use campus-wide.

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.63 - Anabolic Steroids)*

#### *Legal Reference:*

#### EDUCATION CODE

*44049 Known or suspected alcohol or controlled substance abuse by student*

*48900 Suspension or expulsion (grounds)*

*48900.5 Suspension, limitation on imposition; exception*

*51262 Use of anabolic steroids; legislative finding and declaration*

*Vernonia School District v. Acton, 115 S. Ct. 2385 (1995)*

Policy  
adopted: July 8, 1997  
revised: January 13, 2009

**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California

## **Students**

### **STUDENT ATHLETE DRUG TESTING**

#### **Procedures for Student Athletes or Cheerleaders**

Consent: Each student wishing to participate in any interscholastic athletic program or cheer program and the student's custodial parent or legal guardian shall consent in writing to drug testing. Random testing will be conducted weekly during the athletic season. At the option of the district, all student athletes and cheerleaders may be drug tested at the beginning of any athletic season. Selection for random testing will be by lottery drawing from a "pool" of all student athletes or cheerleaders participating in interscholastic athletic programs in the district at the time of the drawing.

#### **Sample Collection**

Samples will be collected on the same day the student is selected for testing. All students providing samples will provide a specimen in a secured, individual stall with the door closed.

Students must report immediately to the testing area upon notification from a school staff member that they have been randomly selected to take a drug test.

Any student who does not immediately report to the testing area, or who leaves the testing area without permission from drug testing staff or school nurse before giving a sample will be considered the same as a positive test.

Any student who is unable to provide a sample within 90 minutes will be considered the same as a positive test.

Any student who provides a tainted sample will be considered the same as a positive test.

#### **Prescription Medication**

Students who are taking prescription medication may provide in a sealed envelope verifiable information regarding a doctor's prescription, to school personnel at the time a sample is collected. That envelope will be forwarded unopened to the testing lab with the sample with instructions for the lab to consider the student's use of such medication to assure the accuracy of the result. Such information provided by the student will not be disclosed to any school official.

Students who refuse to provide verification and test positive will be subject to the actions specified below for "positive tests".

## **STUDENT ATHLETE DRUG TESTING** (continued)

### **Scope of Tests**

The testing lab will include test for but not be limited to, one or more of the following illegal drugs and controlled substances: marijuana metabolite, cocaine metabolite, opiates, phencyclidine (PCP), amphetamines, alcohol, benzodiazepines, barbiturates, propoxyhene (darvocet), methadone, oxycotin, and steroids. The Superintendent/designee shall decide from week to week which illegal drugs, controlled substances, and intoxicants will be screened; but in no event shall that determination be made after selection of students for testing. Student athlete samples will not be screened for the existence of any physical condition other than drug intoxication.

### **Limited Access to Results**

The testing lab will be authorized to report results only to the Superintendent/designee.

### **Procedures In The Event Of A Positive Result**

Whenever a student athlete's or cheerleader's test result indicates the presence of illegal drugs or controlled substances (a "positive test"), the following will occur:

The principal of the school will be informed of the positive test by the testing service. The principal will then contact the parents of the student and inform them of the positive test and will also inform parents that they have 72 hours to contact the testing service so that a follow-up plan may be established.

### **First Positive Result**

For the first positive result, the student athlete or cheerleader will be given two options:

1. The student may elect to participate in an evaluation of his/her drug use, including a possible referral to either a substance treatment or prevention/education program along with submission to additional drug testing (a responsibility of the student and (parent/guardian) for up to six weeks. **If the student elects this option, he or she will remain eligible for athletics or cheer.**

The site principal will offer to the parent the opportunity of sharing the confidential information regarding the positive test with one staff member who may play a significant role in the student's life (for example, a coach, teacher, or a counselor) to enlist that staff member's support as a mentor for the student. The parent must approve this release of confidential information.

## **STUDENT ATHLETE DRUG TESTING** (continued)

2. The student may elect not to participate in an evaluation of his/her drug use and possible substance treatment or education, as described above. **If the student elects this option, he or she will be ineligible for athletics or cheer for one calendar year and must provide a current clean drug test for reinstatement.**

### **Second Positive Result**

For the second positive result, the student athlete or cheerleader will be given two options:

1. The student may elect to participate in an evaluation of his/her drug use, including a possible referral to either a substance treatment or prevention/education program along with submission to additional drug testing (a responsibility of the student and parent/guardian) for up to six weeks. **If the student elects this option, he or she will be ineligible for athletics or cheer for six weeks. The student must provide a current clean drug test for reinstatement.**

The site principal will offer to the parent the opportunity of sharing the confidential information regarding the positive test with one staff member who may play a significant role in the student's life (for example, a coach, teacher, or a counselor) to enlist that staff member's support as a mentor for the student. The parent must approve this release of confidential information.

2. The student may elect not to participate in an evaluation of his/her drug use and possible substance treatment or education, as described above. **If the student elects this option, he or she will be ineligible for athletics or cheer for one calendar year and provide a current clean drug test for reinstatement.**

### **Third (or subsequent) Positive Result**

For the third (or subsequent) positive result, the student athlete or cheerleader will be given two options:

1. The student may elect to participate in an evaluation of his/her drug use, including a possible referral to either a substance treatment or prevention/education program along with submission to additional drug testing (a responsibility of the student and parent/guardian) for up to six weeks. If the student elects this option, he or she will be ineligible for athletics or cheer for one calendar year. The student must provide a current clean drug test for reinstatement, and he or she must also submit to additional random drug testing for the remainder of his or her high school athletic career.

**STUDENT ATHLETE DRUG TESTING** (continued)

For the additional random drug testing, the parent/guardian has 24 hours to submit proof of testing from the testing agency to the Director of Health Services, and must submit test results in either a sealed envelope or an electronic mailing system within 5 days. Failure to provide a clean drug test or not meeting the 24 hour deadline will result in ineligibility for the remainder high school career. The Director of Health Services can provide information on acceptable testing agencies.

The site principal will offer to the parent the opportunity of sharing the confidential information regarding the positive test with one staff member who may play a significant role in the student's life (for example, a coach, teacher, or a counselor) to enlist that staff member's support as a mentor for the student. The parent must approve this release of confidential information.

2. The student may elect not to participate in an evaluation of his/her drug use and possible substance treatment or education, as described above. If the student elects this option, he or she will be suspended from participation in athletics or cheer for the remainder of his or her high school career.

**Non-Punitive Nature of Policy**

No student athlete or cheerleader shall be penalized academically for testing positive for illegal drugs or controlled substances. The results of drug tests pursuant to the policy will not be documented in any student's permanent records. Information regarding the results of drug tests will not be disclosed to criminal or juvenile authorities absent legal compulsion by valid and binding subpoena or other legal process, which the district shall not solicit. In the event of the service of any such subpoena or legal process, the student and the student's custodial parent or legal guardian will be notified at least 72 hours before response is made by the district.

Regulation  
approved: July 8, 1997  
revised: February 28, 2002  
revised: November 17, 2008  
revised: July 11, 2011  
revised: March 5, 2012  
revised: July 18, 2013

**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California

**VISALIA UNIFIED SCHOOL DISTRICT**

**EXHIBIT "A" DRUG TESTING POLICY  
GENERAL AUTHORIZATION FORM**

I understand that my performance as a participant and the reputation of my school are dependent, in part, on my conduct as an individual. I hereby agree to accept and abide by the standards, rules, and regulations set forth by Visalia Unified School District Board and the sponsors for the activity in which I participate.

I also authorize Visalia Unified School District to conduct a test on a urine specimen which I provide to test for drugs and/or alcohol use. I also authorize the exchange of information concerning the results of such a test between the Visalia Unified School District, my parents and/or guardians, and the contracted agency, \_\_\_\_\_.  
(Name of the Contracted Agency)

This shall be deemed a consent pursuant to the Family Education Right of Privacy Act for the release of above information to the parties named above.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

PLEASE INDICATE ANY PRESCRIPTION DRUGS YOUR CHILD IS CURRENTLY TAKING.



I have read and agreed to the above terms of participation of my son/daughter.

\_\_\_\_\_  
Parent or Guardian Signature

\_\_\_\_\_  
Date

**STUDENTS****STUDENT ATHLETE DRUG TESTING****Exhibit B****Summary of Student Athlete and Cheerleader Drug Testing Outcomes for Positive Results**

Student Option	First positive test	Second positive test	Third positive test
<i>Student participates in and completes drug counseling</i>	Student remains eligible. Must complete drug counseling program, including additional drug testing and submit a current clean drug test for reinstatement.	Student is ineligible for six weeks. Must complete drug counseling program, including additional drug testing and submit a current clean drug test for reinstatement.	Student is ineligible for one calendar year, must enroll in drug counseling, and must submit a clean drug test to reinstate. *Must submit to additional random drug testing for remainder of the high school athletic career.
<i>Student refuses drug counseling</i>	Student is ineligible for one calendar year and must submit a current clean drug test for reinstatement.	Student is ineligible for one calendar year and must submit a current clean drug test for reinstatement.	Student is suspended from athletics for the remainder of his or her high school career.

The Director of Health Services will maintain a record of all athletes and cheer leaders that are ineligible and will be responsible for notifying the principal when the student is eligible for reinstatement.

\*The principal shall provide the name of the student to the Director of Health Services who will then notify the parent/guardian when to have the student tested. The parent/guardian has 24 hours to submit proof of testing from the testing agency to the Director of Health Services, and must submit test results in either a sealed envelope or an electronic mailing system within 5 days. Failure to provide a clean drug test or not meeting the 24 hour deadline will result in ineligibility for the remainder high school career.

Approved: July 22, 2013

## **Exhibit C**

### **VUSD Athletic Drug Testing Site Procedures**

1. The VUSD Director Health Services will be responsible for the random selection of athlete or cheerleader names for drug testing. Names will be drawn from rosters provided by site Athletic Directors.
2. For each week's testing, seven randomly selected student athlete or cheerleader names will be provided by the Director Health Services to each school nurse. The first five students on the list will be tested, and the remaining two students will serve as alternates in case one of the first five students is absent.
3. The school nurse closes the Nurse's Office to all non-emergencies until the testing has been completed. Non-emergencies will be directed to go to the Attendance Office.
4. The school nurse provides the five names to the campus supervisor who then goes to each student's classroom, picks them up, and escorts the student to the Nurse's office. This step is done five separate times, once with each student to ensure the security of the student.
5. The school nurse will advise students they are to be tested and they are not allowed to leave the office under any circumstances. Leaving the office with or without consent prior to completing the testing will be considered the same as not being able to provide a sample.
6. The school nurse provides each student with a container into which the student places whatever is in their pockets. Purses and backpacks will also be confiscated. The items will be secured by the Nurse until the student has completed the drug testing process. Refusal to comply will be considered the same as not being able to provide a sample.
7. The school nurse is to maintain visual contact with the students at all times during the process.
8. The school nurse will notify the tester that the students are ready to begin the test.
9. The tester will follow the testing protocol.
10. Students completing the test will have their personal belongings returned to them and given a hall pass back to class.

11. Any problem arising during the testing process should be reported to the principal only in order to maintain confidentiality.
12. The principal then contacts the Director of Student Services to explain the circumstances and get direction.

## Exhibit D

### Sample Principal's Letter to Parent Following a Positive Test Result

(Place letter on school letterhead)

Date:

To the Parents of:

This letter confirms our telephone conversation on (date) concerning your child's positive student athlete or cheerleader drug test and the steps you must take for your student to remain active in athletics or cheer.

It is important that you are aware of two things that I mentioned when we spoke:

- You must call Recovery Resources (559-625-8176) within 72 hours of our conversation on (date)
- You must enroll your student in a drug education program within 10 days of your meeting with Recovery Resources

Failure to complete these items in the time described will result in your child becoming ineligible to participate in athletics or cheer.

I have attached a copy of the district's policy regarding student athlete drug and cheerleader testing. Included in this policy are the implications of any additional positive drug tests. Please read this carefully and discuss it with your student.

We discussed also if there were any adults on our campus that I could share this confidential information with who may be willing to mentor your child and thus lessen the possibility of a further positive test for him/her. I have spoken with ( name of staff member ) and he/she has stated that he/she will work with your student in this regard. We all hope that with all of us working together we can see personal progress in your student and keep him/her engaged in all of the positive aspects of school.

If you have any questions, please call me at (principal's phone number).

Sincerely,

Principal,  
(insert school name) High School

Approved: March 5, 2012